

James Swartz

From: Bill Stafford
Sent: Wednesday, November 12, 2003 7:45 AM
To: James Swartz
Cc: Anne Wypijewski
Subject: FW: Docket No. 03-187

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**Federal Communications Commission
Office of the Secretary**

Bird noi comments

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Bill Stafford

-----Original Message-----

From: Susan Peterson [mailto:peterson@pecs.com]
Sent: Tuesday, November 11, 2003 2:25 PM
To: qualexint@aol.com; Bill Stafford
Subject: Docket No. 03-187

P.O. Box 4247
Greenville, DE 19807

To Marlene H. Dortch, Secretary
Federal Communications Commission:

Dear Commissioners;

These comments are being sent on behalf of the Delmarva Ornithological Society (DOS). I am the Conservation Chair of the Society. We are responding to the FCC Notice of Inquiry on the Effects of Communication Towers on Migratory Birds, in the Federal Register of September 12, 2003, WT Docket No. 03-187, FCC 03-205. We at DOS urge the FCC to stop delaying a response to these issues and to act immediately to require preventative measures on all existing and new communications towers to prevent avian mortality. We suggest that the FCC adopt the Sept. 2000 U.S. Fish and Wildlife Service Guidelines for siting and construction of communication towers by the FCC. These measures, supported by the best available data, indicate that co-location, keeping towers under 200' avoiding guy wires, minimizing lighting, and using only white strobes at minimum required pulse rates would greatly reduce, if not eliminate, avian mortality.

The FWS and a number of scientists have provided extensive data to the FCC amply documenting the killing of migratory birds at communication towers. Long-term studies at a single Florida TV tower and a single Wisconsin TV tower document the killing of over 165,000 birds of nearly 200 species. Over 90% of these birds are neotropical migrants, being killed at night, while attempting to migrate. Over 50 of these species are on the FWS Birds of Conservation Concern List (2002) meaning they warrant special attention. The Cerulean Warbler, a rare nester in Delaware, the home state of DOS, is one of the birds being killed at communications towers.

In 1999, the Director of the FWS wrote the FCC urging action in completing a NEPA EIS on tower kills, which the FCC rejected. In that letter, data is referenced indicating that from 4 million to as many as 40 million birds may be killed annually at communication towers. The cumulative influence of this impact, increased by the proliferation of communication towers, may result in significant populations impacts on numerous species.

We are requesting that the FCC act immediately to fully comply with the Migratory Bird Treat Act, NEPA, and the ESA and the the FCC should adopt measures now to prevent further avian mortality at communication towers.

Respectfully,

Susan L. Peterson, Ph.D.
Conservation Chair

Delmarva Ornithological Society